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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DAMON LAMAR FOSTER,

No. 2:04-cv-2281-MCE-DAD-P

12 Petitioner,

13 v.

ORDER

14 WARDEN SCRIBNER, et al.,

15 Respondents.
16 _____/

17 Petitioner, a state prisoner proceeding pro se, has filed an
18 Application for a Writ of Habeas Corpus pursuant to 28 U.S.C.
19 § 2254. The matter was referred to a United States Magistrate
20 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General
21 Order No. 262.

22 On January 18, 2006, the magistrate judge filed Findings and
23 Recommendations herein which were served on all parties and which
24 contained notice to all parties that any Objections to the
25 Findings and Recommendations were to be filed within twenty (20)
26 days.

1 Neither party has filed Objections to the Findings and
2 Recommendations.

3 The Court has reviewed the file and finds the Findings and
4 Recommendations to be supported by the record and by the
5 magistrate judge's analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendations filed January 18, 2006,
8 are adopted in full;

9 2. Petitioner's June 15, 2005 Motion for Writ of
10 Mandate/Prohibition is denied;

11 3. Respondents' March 15, 2005 Motion to Dismiss is
12 granted; and

13 4. This action is dismissed with prejudice because the
14 petition presents only unexhausted claims and was filed beyond
15 the one-year statute of limitations.

16 DATE: March 1, 2006

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20 MORRISON C. ENGLAND, JR.
21 UNITED STATES DISTRICT JUDGE
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